

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

STATE FARM FIRE &
CASUALTY COMPANY, *et al.*,

Plaintiffs,

vs.

Case No. 1:01-cv-891
Novotny, M.J.
(formerly Weber, J.)

CARRIER CORPORATION, *et al.*,

Defendants.

ORDER THAT:

- (1) THIS COURT'S SHOW CAUSE ORDER, ENTERED ON DECEMBER 16, 2003 (DOC. 39), IS LIFTED;
- (2) DEFENDANT CARRIER CORPORATION'S MOTION FOR SUMMARY JUDGMENT (DOC. 20) IS DENIED AS MOOT;
- (3) ALL CLAIMS OF PLAINTIFF STATE FARM FIRE & CASUALTY COMPANY AGAINST DEFENDANT THE GENERAL ELECTRIC COMPANY ARE DISMISSED WITH PREJUDICE;
- (4) ALL CLAIMS OF PLAINTIFFS KEITH BLEVINS AND DEBRA BLEVINS AGAINST DEFENDANT THE GENERAL ELECTRIC COMPANY ARE DISMISSED WITHOUT PREJUDICE;
- (5) ALL CLAIMS AGAINST DEFENDANT CARRIER CORPORATION ARE DISMISSED WITHOUT PREJUDICE; AND
- (6) THIS CASE IS CLOSED.

This matter is before the Court on a motion for summary judgment, which was filed by defendant Carrier Corporation ("Carrier") on April 7, 2003. (Doc. 20). The parties have consented to final disposition by the magistrate judge pursuant to 28 U.S.C. § 636(c). (*See* Docs. 11, 12).

On December 16, 2003, this Court entered an Order directing plaintiffs to show

cause why the motion for summary judgment, which is unopposed, should not be granted. (Doc. 39). In response, on January 2, 2004, plaintiffs filed two stipulations pursuant to Fed. R. Civ. P. 4. The first, a stipulation for dismissal with prejudice, states that all claims of plaintiff State Farm Fire & Casualty Company (“State Farm”) against defendant The General Electric Company (“GE”) should be dismissed with prejudice. (Doc. 40). The second, a stipulation for dismissal without prejudice, states that all claims of plaintiffs Keith and Debra Blevins (“the Blevinses”) against GE should be dismissed without prejudice, and that all claims of both State Farm and the Blevinses against Carrier should be dismissed without prejudice. (Doc. 41).

Rule 41 of the Federal Rules of Civil Procedure provides in pertinent part as follows:

[A]n action may be dismissed by the plaintiff ... by filing a stipulation of dismissal signed by all parties who have appeared in the action. Unless otherwise stated in the notice of dismissal or stipulation, the dismissal is without prejudice.

Fed. R. Civ. P. 41(a).

In light of the stipulations, which appear to have been signed by all parties who have appeared in the action, **IT IS HEREIN ORDERED THAT:**

1. This Court’s Order to Show Cause (Doc. 9) is **LIFTED**;
2. Defendant Carrier Corporation’s motion for summary judgment (Doc. 20) is **DENIED AS MOOT**;
3. In accordance with the Stipulation For Dismissal With Prejudice (Doc. 40), all claims of plaintiff State Farm Fire & Casualty Company against

defendant The General Electric Company are **DISMISSED, with prejudice**;

4. In accordance with the Stipulation For Dismissal Without Prejudice (Doc. 41), all claims of plaintiffs Keith Blevins and Debra Blevins against defendant The General Electric Company are **DISMISSED WITHOUT PREJUDICE**;
5. All claims of plaintiff State Farm Fire & Casualty Company and plaintiffs Keith Blevins and Debra Blevins against defendant Carrier Corporation are **DISMISSED WITHOUT PREJUDICE**; and
6. This case is **CLOSED**.

SO ORDERED.

s/Susan M. Novotny
Susan M. Novotny
United States Magistrate Judge